

ESTTA Tracking number: **ESTTA673219**

Filing date: **05/20/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	BAGLEY ARGENTINA S.A.		
Entity	Corporation	Citizenship	Argentina
Address	Marcelino Bernardi 18 Arroyito, Departamento de San Justo Provincia de Cordoba, ARGENTINA		
Attorney information	Perla M. Kuhn Fox Rothschild LLP Princeton Pike Corporate Center 997 Lenox Drive, Building 3 Lawrenceville, NJ 08648-2311 UNITED STATES ipdocket@foxrothschild.com Phone:212-878-1424		

Registration Subject to Cancellation

Registration No	3614445	Registration date	05/05/2009
International Registration No.	NONE	International Registration Date	NONE
Registrant	QUALA S.A. CARRERA 54 No. 42a - 31 Sur Bogota D.C., COLOMBIA		

Goods/Services Subject to Cancellation

Class 029. First Use: 0 First Use In Commerce: 0 All goods and services in the class are cancelled, namely: meat, fish, poultry and game; meat extract; preserved, dried and boiled fruits and vegetables; jellies and jams; eggs, milk and dairy products; products excluding ice cream, ice milk and frozen yogurt; cooking oil and fats for food; soups and broth

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition to Cancel Hogarena rn 3614445.pdf(36033 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Perla M. Kuhn/
Name	Perla M. Kuhn
Date	05/20/2015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

BAGLEY ARGENTINA S.A.,

Petitioner,

v.

QUALA S.A.,

Respondent.

Cancellation No. :

Registration No. : 3,614,445

Trademark :

The logo for 'Hogareña' is displayed within a decorative, hand-drawn style frame. The word 'Hogareña' is written in a stylized, slightly irregular font.

PETITION FOR CANCELLATION

BAGLEY ARGENTINA S.A. (“Petitioner”), a corporation duly organized and existing under the laws of Argentina, and having its principal place of business at Marcelino Bernardi 18, Arroyito, Departamento de San Justo, Provincia de Cordoba, Argentina, believes that it will be damaged by the continued existence of U.S. Trademark Registration No. 3,614,445 for HOGAREÑA in the name of QUALA S.A. (“Respondent”) on the Principal Register, and hereby petitions to cancel the same. As grounds for this Petition for Cancellation (the “Petition”), Petitioner relies upon the rights developed by it, and alleges on knowledge as to itself and otherwise upon information and belief, as follows:

1. On February 14, 2014, Petitioner filed an application to register the trademark HOGAREÑAS with the U.S. Patent and Trademark Office, Application Serial No. 86/194,180 for “crackers, cookies and cereal cookies,” in International Class 30 (“Petitioner’s Application”).

2. On May 21, 2014, Petitioner's Application was examined and the Examiner indicated that Application Serial No. 77/254,747 may present a bar to registration of Petitioner's Application.

3. On May 5, 2009, Application Serial No. 77/254,747 issued to registration on the records of the U.S. Patent and Trademark Office, under Registration No. 3,614,445 for the mark HOGAREÑA for "meat, fish, poultry and game; meat extract; preserved, dried and boiled fruits and vegetables; jellies and jams; eggs, milk and dairy products; products excluding ice cream, ice milk and frozen yogurt; cooking oil and fats for food; soups and broth" in International Class 29. Respondent is the record owner of Registration No. 3,614,445.

COUNT 1: Abandonment

4. Petitioner incorporates by reference the allegations contained in Paragraphs 1 through 3 above, as if fully set forth herein.

5. Upon information and belief, Respondent is not currently selling meat, fish, poultry and game; meat extract; preserved, dried and boiled fruits and vegetables; jellies and jams; eggs, milk and dairy products; products excluding ice cream, ice milk and frozen yogurt; cooking oil and fats for food; soups and broth under the mark HOGAREÑA in the ordinary course of trade and has not done so for at least three years preceding the date of this Petition.

6. Upon information and belief, Respondent has no intention of resuming use of the mark HOGAREÑA in connection with meat, fish, poultry and game; meat extract; preserved, dried and boiled fruits and vegetables; jellies and jams; eggs, milk and dairy products; products excluding ice cream, ice milk and frozen yogurt; cooking oil and fats for food; soups and broth.

7. As a result of its failure to use the mark HOGAREÑA and its intent not to resume such use, Respondent has abandoned Registration No. 3,614,445.

8. Respondent's registration for HOGAREÑA is damaging to Petitioner, in that said registration covers a trademark that is identical to the trademark under Petitioner's Application, and thus will likely constitute a bar to registration of Petitioner's Application.

WHEREFORE, Petitioner believes that it is or will be damaged by Registration No. 3,614,445 and petitions for cancellation of the same.

Respectfully submitted,

Dated: New York, N.Y.
May 20, 2015

Fox Rothschild LLP

By: /Perla M. Kuhn/
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Attorneys for Petitioner

CERTIFICATE OF ELECTRONIC MAILING

I hereby certify that the foregoing Petition for Cancellation is being submitted electronically through the Trademark Trial and Appeal Board's ESTTA System on this 20th day of May, 2015.

Dated: May 20, 2015
New York, NY

By: /Varant Ekmekjian/
Varant Ekmekjian

CERTIFICATE OF SERVICE

I hereby certify that I am over the age of 18 years, not a party to this action, and that on the 18th day of May, 2015, I caused to be served a true and correct copy of the foregoing Petition for Cancellation by first class mail to the correspondence address of record for Respondent and Respondent:

FELIPE RUBIO
GLOBAL IP SERVICES
10691 N KENDALL DR STE 201
MIAMI, FLORIDA 33176-1595

QUALA S.A.
CARRERA 54 No. 42a - 31 Sur
Bogota D.C.
COLOMBIA

Dated: May 20, 2015
New York, NY

By: /Varant Ekmekjian/
Varant Ekmekjian